



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Elko Field Office
3900 East Idaho Street
Elko, Nevada 89801
<http://www.nv.blm.gov>



In Reply Refer To:
4130 (NV-012)
February 14, 2008

Multiple Use Decision Hubbard Vineyard Allotment

Dear Reader:

Current Bureau of Land Management (BLM) policy calls for all grazing permits to be fully processed by the end of fiscal year (FY) 2009, including evaluations of grazing and appropriate National Environmental Policy Act (NEPA) documentation. This decision is related to that effort.

In 1997 the BLM released an Allotment Evaluation (AE) for the Hubbard Vineyard Allotment that summarized available monitoring data and reached draft conclusions as to the attainment of allotment specific multiple use objectives and the Standards for Rangeland Health. Shortly after the release of that document the permittees changed livestock management practices on the allotment, with Holistic Management (HM) introduced in 1999.

In April 2007 the BLM released a revised and updated version of the AE that reflected additional monitoring data collected on the allotment. Members of the public interested in livestock grazing management on the Hubbard Vineyard Allotment were given a 30-day period in which to comment on the AE. The Elko Field Office carefully considered the comments received which prompted changes to the evaluation and proposed management actions. Upon completion of these changes, the BLM completed the preliminary environmental assessment (EA) in compliance with the National Environmental Policy Act (NEPA) analyzing the Proposed Action, Establishing a Grazing System, and No Action Alternatives. The BLM issued this preliminary EA and a draft Finding of No Significant Impact (FONSI) for public comment on 5 October 2007.

Through the EA process, the BLM determined there would be no significant impact as a result of implementation of the Proposed Action. Copies of the EA (EA# BLM/EK/PL-2008/001) along with the final FONSI and the responses to public comments submitted in response to the draft EA are enclosed with this decision.

My Decision is to implement the management actions identified below for the Hubbard Vineyard Allotment.

I. Formally implement the Holistic Management planning process on the Hubbard Vineyard Allotment.

Description of the Holistic Process

Holistic management (HM) is a process that strives to optimize biodiversity and health of the land in order to achieve ecological, economic and social goals. All future management actions are tested in relationship to their effectiveness in moving the community as a whole toward the holistic goal. The practice of HM is collaborative and requires the participation of affected parties. A team member is any person who wishes to participate in the management of the public lands in the Hubbard Vineyard project area. The steps of the Holistic Management process are:

A. Holistic Goal -- Define a three part holistic goal for the area, which is a broad description of the landscape and how four ecosystem processes (community dynamics of living things, water cycle, mineral and nutrient cycle, and energy flow) must function to sustain indefinitely production and quality of life.

B. Biological Plan - Prior to any grazing year, a biological plan is prepared by the HM team. The plan outlines the annual operation, and is submitted to the BLM for approval in the form of a grazing application. Each plan would be based on monitoring, evaluation, and the previous year's actual use. The plan defines the grazing process and includes forage utilization guidelines, period of use and livestock numbers, and maintenance and/or construction of rangeland improvements.

Grazing Process –

- The grazing plan would be designed to rotate livestock through the use areas on the allotment in accordance with the following conditions:
 - All pastures will be deferred for all or substantial portions of the growing season at least two years out of four.
 - Jakes Creek Mountain, Dry Creek Mountain, and Bull Camp Mountain pastures will each be used one year in three, with two years of rest.
 - Coon Creek and Middle Pastures will be grazed during the hot season (typically July 1 to September 15) no more than one year in four.
- Livestock use shall be planned around resource concerns and ranch operational needs and capabilities. Resource factors to be accounted for in each year's plan include, but are not limited to: periodically resting and/or deferring livestock use in pastures known to provide sage grouse breeding areas; scheduling seasons of use designed to improve both lotic and lentic riparian area conditions; accounting for other wildlife habitat needs and other land uses such as recreation; and minimizing late season use on woody browse species.

- The calculated carrying capacities for each pasture would be used as the basis for planning annual grazing use. Authorized use may exceed these numbers so long as the utilization limits outlined below are met and annual authorized use does not exceed permitted use.
- AUMs associated with rested pastures or otherwise not applied for will be placed into non-use for that year.
- At times, livestock may be concentrated through the use of herding and/or supplements such as protein and mineral blocks, and water hauling to accomplish specific objectives set by the HM group, such as to press native seed into the soil and/or cover seed during surface disturbance, reduce excessive shrub canopy cover to promote an increase in grass and forb production and cover, and to round streambanks. Supplements may also be used to reduce livestock use of bitterbrush, especially during the late summer and fall when grasses are dormant, and to reduce/decrease the adverse effects of grazing poisonous plants. All such supplements must be placed at least ¼ mile away from any live water sources unless specifically authorized by the BLM.
 - Concentrated livestock use on saturated stream banks would be limited to specific designated areas to avoid negative impacts to aquatic habitats.
 - Cultural resource inventories would be conducted as necessary prior to approval and implementation of any of the preceding livestock concentration measures.
 - Concentrated livestock herding would not occur on sage grouse strutting and nesting sites during strutting and nesting periods.

Utilization Guidelines -- Target utilization levels for plants on the allotment are set as follows:

- Native grass species will be an average of 50% of current year's growth
- Bitterbrush will be 45% combined use by livestock and big game of current year's leader growth.
- Riparian browse species (aspen and willows) will be 35% of current year's growth.

Should these utilization target levels be exceeded in any area of the allotment, the team will assess the impacts based on the degree of use, period of use, and duration of use relative to past use and future plans for grazing use, and the affects on the standards for rangeland health. Future plans for grazing will be adjusted as warranted.

- BLM would continue to monitor utilization levels at the end of the grazing and/or growing season or within other timing constraints consistent with maintaining specific habitat guidelines for wildlife species such as the Nevada sage grouse management guidelines.

Season of Use, Livestock Type and Numbers -- Livestock numbers and periods of use on public land managed by the BLM will be applied for on an annual basis. Livestock types are cattle and horses.

- It is anticipated that most grazing on public lands would be scheduled during spring, summer and fall, but winter grazing could be allowed to meet the goals and objectives.
- The number of livestock will be defined through the annual biological planning process.
- Any use in excess of permitted AUMs on lands administered by the BLM would require approval by BLM as a "Temporary Non-Renewable" (TNR) use, and would require additional review for compliance with NEPA.

- Additional NEPA analysis would also be required if the team proposes that grazing by a different type of livestock (from the permitted use by cattle and horses) is needed to accomplish the goals and objectives.

Construction of Rangeland Improvements – The HM team may deem from time to time that additional range improvements beyond those outlined in this decision are needed. Any such improvements would be subject to NEPA analysis. See Map 2 for locations of proposed improvements on the allotment.

C. Monitoring -- Holistic management theory takes the attitude that much of what is done to our ecosystem may lead to unanticipated effects. A monitoring plan for each grazing year would be developed by the team prior to initiation of the grazing process.

- Monitoring, including photo points, ecological condition ratings, proper functioning condition assessments for riparian areas, stream survey, wildlife habitat condition, quadrat frequency readings for trend in condition and cover, and utilization at established agency key areas would continue. Additional studies may be established as needed.
- The permittee will monitor livestock grazing to avoid exceeding target utilization levels.
- Regarding cultural resources, employ historic grazing use-records to determine which areas within the allotment have been subject to the least grazing. A sample of the archaeological sites in these areas would be examined to assess their condition. Should parts of the allotment be determined to contain archaeological resources that could be impacted by an annual grazing application, an archaeological site monitoring program would be established. This would involve monitoring the condition of artifacts and features in one or more artificial or existing archaeological sites in comparison to those in control site(s) over one or more grazing seasons. In accordance with SOPs for cultural resources, measures to mitigate any adverse effects would be determined in consultation with the permittee and the State Historic Preservation Office.
- Nevada Department of Wildlife/BLM will continue to monitor sage grouse population trends in relation to the Hubbard Vineyard Allotment by using trend ground counts, lek counts, and sage grouse harvest composition data.

D. Replanning – If monitoring of the annual plan indicates that HM goals and objectives are not being met or the plan needs to be revised due to other circumstances, then the team would re-plan.

II. Issue a 10-year Grazing Permit to Boies Ranches, Inc. which incorporates the types and levels of use authorized including the kinds and numbers of livestock, the period(s) of use, and the amount of active and suspended use in animal unit months (AUMs).

Operator	Pasture	No. Lvsk.	Kind	Pd. Of Use	% PL	AUMs
Boies Ranches, Inc.		1059	Cattle*	3/1 – 2/28	93	11,818
		50	Horse*	3/1 – 2/28	93	558
	FFR	54	Cattle*	3/1 – 2/28	100	647
Total Active Permitted Use						13,031

*Type of livestock can be either Cattle or Horses

III. Should the Holistic Management process implemented through Decision Point I above end at any point in the future due to any reason, transition management to Alternative 1 as described in the “Hubbard Vineyard Allotment Multiple Use Decision Environmental Assessment” (EA# BLM/EK/PL-2008/001).

A. Revise the existing Boies Ranches, Inc. 10-year permit with the following terms and conditions for the remaining term of the permit:

Operator	Pasture	No. Lvsk.	Kind	Pd. Of Use	% PL	AUMs
Boies Ranches, Inc.	FFR	1422	Cattle*	4/1 – 12/31	93	11,956
		50	Horse*	4/1 – 12/31	93	420
		54	Cattle*	3/1 – 2/28	100	647

*Type of livestock can be either Cattle or Horses

B. Implement the following grazing system on an interim basis:

Pastures	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
Flat	7/1-9/30	4/1-6/30 10/1-12/31	4/1-6/30 10/1-12/31	7/1-9/30	4/1-6/30 10/1-12/31	Rest
W. Hubbard Sdng	4/1-6/30 10/1-12/31	7/1-9/30	Rest	4/1-6/30 10/1-12/31	4/1-6/30 10/1-12/31	7/1-9/30
E. Hubbard Sdng	4/1-6/30 10/1-12/31	7/1-9/30	4/1-6/30 10/1-12/31	4/1-6/30 10/1-12/31	7/1-9/30	Rest
Reservoir Sdng	7/1-9/30	4/1-6/30 10/1-12/31	Rest	7/1-9/30	7/1-9/30	4/1-6/30 10/1-12/31
Dry Creek Sdng	Rest	4/1-6/30	7/1-9/30	4/1-6/30	4/1-6/30	7/1-9/30
Middle	4/1-6/30 10/1-12/31	7/1-8/15	Rest	4/1-6/30 10/1-12/31	8/15-10/15	4/1-6/30 10/1-12/31
Triangle	7/1-8/15	Rest	4/1-6/30	8/15-10/15	4/1-6/30	4/1-6/30
Coon Creek	8/15-10/15	4/1-6/30	4/1-6/30	7/1-8/15	Rest	4/1-6/30
Devils Table	4/1-6/15 10/1-12/31	Rest	4/1-6/15 10/1-12/31	Rest	4/1-6/15 10/1-12/31	Rest
Hubbard Basin	6/15-8/15	Rest	6/15-8/15	Rest	6/15-8/15	Rest
Cold Spring Mtn.	8/15-10/15	Rest	8/15-10/15	Rest	8/15-10/15	Rest
Jakes Creek Mtn.	Rest	Rest	7/1-9/30 10/1-11/30	Rest	Rest	7/1-9/30 10/1-11/30
Dry Creek Mtn.	Rest	7/1-9/30 10/1-11/30	Rest	Rest	7/1-9/30 10/1-11/30	Rest
Bull Camp Mtn.	7/1-9/30 10/1-11/30	Rest	Rest	7/1-9/30 10/1-11/30	Rest	Rest
FFR	3/1-2/28	3/1-2/28	3/1-2/28	3/1-2/28	3/1-2/28	3/1-2/28

C. Following completion of the three new fence projects, implement the following final grazing system:

Pastures	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
West Flat	7/1-9/30	4/1-6/30 10/1-12/31	4/1-6/30 10/1-12/31	7/1-9/30	4/1-6/30 10/1-12/31	Rest
East Flat	Rest	4/1-6/30 10/1-12/31	7/1-9/30	4/1-6/30 10/1-12/31	7/1-9/30	4/1-6/30 10/1-12/31
W. Hubbard Sdng	4/1-6/30 10/1-12/31	7/1-9/30	Rest	4/1-6/30 10/1-12/31	4/1-6/30 10/1-12/31	7/1-9/30
E. Hubbard Sdng	4/1-6/30 10/1-12/31	7/1-9/30	4/1-6/30 10/1-12/31	4/1-6/30 10/1-12/31	7/1-9/30	Rest
Reservoir Sdng	7/1-9/30	4/1-6/30 10/1-12/31	Rest	7/1-9/30	7/1-9/30	4/1-6/30 10/1-12/31
Dry Creek Sdng	Rest	4/1-6/30	7/1-9/30	4/1-6/30	4/1-6/30	7/1-9/30
Middle	4/1-6/30 10/1-12/31	7/1-8/15	Rest	4/1-6/30 10/1-12/31	8/15-10/15	4/1-6/30 10/1-12/31
Triangle	7/1-8/15	Rest	4/1-6/30	8/15-10/15	4/1-6/30	4/1-6/30
Coon Creek	8/15-10/15	4/1-6/30	4/1-6/30	7/1-8/15	Rest	4/1-6/30
Devils Table	4/1-6/15 10/1-12/31	Rest	4/1-6/15 10/1-12/31	Rest	4/1-6/15 10/1-12/31	Rest
Hubbard Basin	6/15-8/15	Rest	6/15-8/15	Rest	6/15-8/15	Rest
Cold Spring Mtn.	8/15-10/15	Rest	8/15-10/15	Rest	8/15-10/15	Rest
Jakes Creek Mtn.	Rest	Rest	7/1-9/30 10/1-11/30	Rest	Rest	7/1-9/30 10/1-11/30
Dry Creek Mtn.	Rest	7/1-9/30 10/1-11/30	Rest	Rest	7/1-9/30 10/1-11/30	Rest
Bull Camp Mtn.	7/1-9/30 10/1-11/30	Rest	Rest	7/1-9/30 10/1-11/30	Rest	Rest
FFR	3/1-2/28	3/1-2/28	3/1-2/28	3/1-2/28	3/1-2/28	3/1-2/28

D. The following standards or terms and conditions will apply to both the interim and final grazing systems:

- 1. The permittee shall meet with the BLM annually to design a specific grazing system for each pasture.**
- 2. All grazing use will take place within the date ranges specified in the schedule.**
- 3. The carrying capacity figures for each pasture will be used to guide planning annual grazing use. Those numbers may be exceeded so long as utilization objectives and total permitted use are not exceeded.**
- 4. Permitted use dates will run from 1 April to 31 December annually except for the Fenced Federal Range pasture, which will be licensed from 1 March to 28 February.**

E. Permitted use will remain at 13,031 AUMs, with those AUMs associated with rested pastures placed into non-use on an annual basis.

IV. The following Terms and Conditions will be applied to both management alternatives outlined above:

Terms and Conditions

- a. "Grazing use will be in accordance with the Final Multiple Use Decision for the Hubbard Vineyard Allotment dated _____."
- b. "Livestock numbers identified in the term grazing permit are a function of seasons of use and the total number of animal unit months (AUMs) of active permitted use for the allotment as calculated by pasture. Carrying capacities for individual pastures serve as the guide for developing annual grazing plans. Deviations from established livestock numbers, seasons of use, or carrying capacities on individual pasture, may be authorized on an annual basis. Proposals to deviate from established numbers, seasons, or carrying capacities will be based on analysis of monitoring data, identification of specific resource goals, and/or the need to adapt grazing to continue to achieve or make progress toward achieving allotment goals and objectives. Any proposals to deviate from established numbers, seasons or stocking levels will be identified through the course of developing the annual biological or grazing plan. Biological plans will be submitted to the BLM for approval in the form of a grazing application."
- c. "An annual grazing application outlining the annual operation which reflects the terms and conditions in the term grazing permit must be submitted prior to the start of the grazing season. An actual use report will be submitted as indicated below. A billing notice will be prepared after the grazing season based on actual use in accordance with 43 CFR 4130.8-1(e)."
- d. "An accurate actual use report will be submitted within 15 days of livestock being removed at the end of the grazing season."
- e. "All range improvements for which the permittee has maintenance responsibility will be maintained prior to livestock turn-out."
- f. "Supplemental feeding is limited to salt, mineral and/or protein supplements in block, granular or liquid form. Such supplements must be placed at least ¼ mile from live waters (springs, streams, and troughs), wet or dry meadows, and aspen stands."
- g. "All riparian enclosures, including spring development enclosures, are closed to livestock use unless specifically authorized in writing by the Authorized Officer."
- h. "Pursuant to 43 CFR 10.4(G), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the

discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(C) and (D), you must stop activities in the immediate vicinity of the discovery and protect it from your activities for 30 days or until notified to proceed by the authorized officer.”

i. “The terms and conditions of your permit may be modified if additional information indicates that revision is necessary to conform with 43 CFR 4180.”

V. Construct the following range improvements:

Name	# of Units	Description
Flat Division Fence	6 Miles	Split Flat Pasture into East and West Flat Pastures
Cold Springs Fence	5 Miles	Divide Cold Springs Mountain from Hubbard Basin
Devils Table Fence	7 Miles	Divide Devils Table from Hubbard Basin
Spring Enclosures	Approx. 15	Provide enclosures around certain springs; re-develop existing developments; move existing troughs out of spring areas; construct pipelines and/or pit tanks to make water available away from spring areas.
Bull Camp/Schoer Fence Relocation		Relocate fence between Bull Camp Mountain and Schoer Place fields to better fit topography
Cold Springs Mntn Pipeline		Construct pipeline along O’Neil Basin Road from water source up to top of Cold Springs Mountain. Run three branches from there, including one into the Quakey Pasture of the O’Neil Allotment
Hubbard to Devils Table Pipeline		Construct pipeline from private springs in Hubbard Basin pasture to two troughs in Devil’s Table

Construction of the above projects will be in accordance with the following Standard Operating Procedures and Resource Protection Measures

Standard Operating Procedures

General

The following Standard Operating Procedures (SOPs) apply to all projects:

1. Appropriate Cultural Resource Surveys will be completed prior to the initiation of any projects, with final project locations set to avoid effects to any historic properties. If any previously unrecorded cultural properties, items or artifacts (stone tools, projectile points, etc.) are encountered during project construction, the BLM authorized officer shall be immediately notified and the discovery shall be left in place and the location protected until the BLM evaluates the discovery and provides written authorization for the project to resume. Cultural and Archaeological resources are protected under the Archaeological Resources Protection Act (16 U.S.C. 470ii) and the Federal Land Management Policy Act (43 U.S.C. 1701). Also, though the possibility of disturbing Native American gravesites within the proposed project areas are

relatively low, inadvertent discovery procedures must be noted. Under the Native American Graves Protection and Repatriation Act, section (3)(d)(1), it states that the discovering individual must notify the land manager in writing of such a discovery. If the discovery occurs in connection with an authorized use, the activity which caused the discovery is to cease and the materials are to be protected until the land manager can respond to the situation.

2. All trash and excess debris will be removed from the public lands and disposed of at an approved solid waste disposal site within 10 days of construction completion.
3. Ensure that vehicles entering and exiting project site are clean of any noxious weed plant parts and that they stay on existing and established roads to the site.
4. Baseline surveys will be conducted for special status species (plant and animal) prior to project implementation. Projects will be designed to avoid special status species and monitoring will be conducted to determine if indirect activities associated with projects are causing impacts.
5. A raptor and migratory bird nesting survey will be required for projects that are proposed to be constructed between March-July.
6. All equipment oil and hydraulic leaks will be repaired before use. Any leaks developed during use will be repaired immediately. If leaks into the soil are possible, drip pans will be used to prevent soil contamination.
7. During fueling operations the operator will insure no fuel spillage occurs. Care should be taken to insure all fuel tank caps, hoses, and spillage is minimized to prevent soil contamination. Should a spill occur, it should be reported to the BLM Hazardous Materials Specialist immediately for proper action.
8. All soil disturbances will be monitored for the establishment of noxious weeds. Steps will be taken to treat any new infestations that result from construction activities.
9. Disturbed areas will be treated, where such action is necessary and practical, to replace ground cover and prevent erosion.
10. BLM will obtain all necessary permits prior to construction to comply with state and federal laws.
11. Avoid surface disturbing activities when soils are wet on soils that are most susceptible to compaction (sandy loam, loam, and sandy clay loam textures).
12. Construction of all projects will be in accordance with the appropriate BLM handbooks or technical references to the maximum extent possible.

Fence Projects

Construction and maintenance of the fences will be subject to the following Special Project Requirements:

1. Fences will be built in accordance with manual H-1741-1. Modifications may be incorporated into the design based on consultation with Nevada Department of Wildlife (NDOW) and subsequent recommendations to mitigate impacts to big game. Let down fences will be constructed in big game crucial ranges and migration corridors where feasible and necessary.
2. Increase the visibility of fences constructed within 1 km of seasonal sage grouse ranges by utilizing appropriate measures such as installing deflectors, flagging, wider fence stays, white-topped posts, etc.
3. All corners and stress panels will be constructed with steel pipe to BLM specifications. (This would reduce any reconstruction costs versus the use of wood posts due their ability to withstand the effects of wildfire). Domed pipe caps would be secured to top of steel pipes to prevent wildlife entry and minimize predatory bird perching. The top fence wire would be secured above horizontal steel pipe braces to minimize perching by predatory birds.
4. For access during construction, minimal blading, grading, or scaling of the fence line will be allowed. Surface disturbance associated with project construction will not exceed a 20-foot corridor along the route of the fenceline. Brush removal, if necessary, would be done by hand or with “brush beater” type equipment that does not uproot brush or otherwise break the ground surface. After the fence is constructed, the BLM would evaluate the need for reseeding disturbed areas to prevent the spread of undesired weed species.
5. Fences will be maintained on an annual basis by the permittee. If fences are not maintained satisfactorily, action may be taken against the permit.

Water Developments

1. Stockwater troughs will be located to take advantage of topography and vegetation to screen sites from view. Stockwater troughs shall be placed so that the height of the top rim shall not exceed 20 inches above ground level and maintained at this level or lower level. The overflow outlets will be located downhill from the trough a minimum of 40 feet.
2. A bird and small mammal access ramp/escape ladder (furnished and installed by the BLM or designed as part of the stockwater trough itself) will be maintained in each stockwater trough by the permittee.
3. Stockwater troughs and the storage tank will be painted an earthtone color (approved by the BLM) which blends with the surrounding environment.
4. No roads will be constructed, but vehicular use along the pipeline route would occur with routine maintenance.

5. If concentrated runoff occurs along vehicle tracks which begin to cause rilling or gullying, water breaks would be installed every 200 feet where slopes are less than ten percent, and every 150 feet on 11-25 percent slopes.
6. Surface disturbance associated with the project construction will not exceed a width of a 30-foot corridor along the route of the pipeline and a 30-foot diameter circle around each trough. All ground disturbance associated with pipeline construction resulting in bare ground will be seeded with a seed mixture approved by BLM to help prevent soil erosion and noxious weed/annual exotic weed establishment.
7. Pipe will be buried at least 18 inches below the ground surface unless otherwise required for engineering or mitigation of cultural resource values.
8. No blading, grading, or scalping of the pipeline route will be allowed. Brush removal, if necessary, will be done by hand or with “brush beater” type equipment which does not uproot brush or otherwise break the ground surface.
9. The permittee will ensure that troughs are left full to provide water for wildlife when livestock are removed from the area as required by NRS 533.367. It will be requested that water be available in the troughs from April 15 through October 15 of each year regardless of the given year’s grazing system as some wildlife species may become dependent on the troughs as water sources. The water shall be drained if freezing weather necessitates earlier drainage to prevent damage to the pipelines and troughs.
10. Pit tanks will be constructed in drainages below existing spring sources

Resource Protection Measures

All actions authorized by BLM are subject to the following resource management requirements from BLM policy and approved plans.

1. Treat invasive and noxious weeds in a manner that is most appropriate to the weed species and degree of infestation. Treatment will be in accordance with the procedures outlined by *the Programmatic Environmental Assessment of Integrated Weed Management on Bureau of Land Management Lands* (BLM 1999; BLM/EK/PL-98/008).
2. Manage sage-grouse habitat (i.e. leks, nesting, brooding, and summer and winter habitats) consistent with the *Western States Sage Grouse Guidelines*, as adapted for use in Nevada.
3. As range improvement projects are planned, incorporate conservation measures from the 1999 *Nevada Bird Conservation Plan* and the 2005 *Nevada Comprehensive Wildlife Conservation Strategy* as recommended by NDOW, when practical.
4. Water will be left at the source for spring developments for wildlife (as required by Nevada Revised Statutes [NRS]) and to provide for establishment and maintenance of riparian habitats.

Existing spring developments that capture and remove all of the water from a site will be re-designed to leave water at the spring source area.

5. Remove or retire non-functioning and/or unnecessary range improvements, and repair, redesign, or rehabilitate spring developments and fences to mitigate wildlife concerns and to improve habitat conditions, as time and funding allow.

VI. Establish the following carrying capacity (CC) guidelines for existing pastures (all numbers are AUMs):

Pasture	AE Carrying Capacity		Recommended CC from 1997 AE	CC Guidelines
	Pre-CAF	Post-CAF		
D.T./H.B./C.S.M.	2927	3415	2770	2770
Reservoir Sdng.	590	837	715	590
Hubbard Sdng.	2947	3365	2549	2549
Coon Creek	--	--	591	500
Flat	1402	1485	1060	1060
Middle	1044	1214	500	1044
Dry Crk. Sdng.	716	866	918	716
Bull Camp Mtn.	--	--	1548	1548
Triangle	511	595	3385	3385
Dry Crk. Mtn.	15,135	21,371		
Jakes Crk. Mtn.				
FFR	--	--	--	647

Devil’s Table/Hubbard Basin/Cold Springs Mountain: The 1997 evaluation recommended a carrying capacity of 2,770 AUMs. This number will be carried forward.

Reservoir Seeding: The 1997 evaluation recommended a carrying capacity of 715 AUMs in this pasture. However, the declining crested wheatgrass production in this pasture suggests a lower rating, and the unadjusted figure of 590 AUMs will be adopted.

Hubbard Seedings: The 1997 recommendation of 2,549 AUMs will be carried forward.

Coon Creek: The 1997 recommendation of 591 AUMs was based on the highest recorded actual use. The BLM recommends a more conservative capacity of 500 AUMs, as most of the use on this pasture tends to occur along the bottoms.

Flat: Static to downward ecological condition trends caused the BLM to recommend a carrying capacity of 1,060 AUMs for this pasture in the 1997 evaluation. The BLM recommends staying with this number.

Middle: The 1997 evaluation recommended 500 AUMs for this pasture based solely on a proportion of the pasture as part of the larger Devil’s Table/Hubbard Basin/Cold Springs Mountain pasture. Carrying capacity calculations from the two key areas established in this pasture tend to indicate that 1,044 AUMs are available, and as such this number will be adopted.

Dry Creek Seeding: The 1997 evaluation recommended 918 AUMs for this pasture. Data collected since the evaluation indicates that 716 AUMs is a more reasonable number.

Bull Camp Mountain: The 1997 recommendation of 1,548 AUMs will be carried forward.

Dry Creek Mountain/Jakes Creek Mountain/Triangle: The 1997 evaluation treated all of these as the Mountain Pasture. The calculated carrying capacities based on use pattern mapping and actual use result in greatly inflated numbers, as most of the use in this pasture as a whole occurs along the riparian bottoms. The Mountain Pasture has now been split into the Dry Creek Mountain, Jakes Creek Mountain, and Triangle Pastures. The recommendation of 3,385 AUMs for these three pasture will be carried forward

Fenced Federal Range (FFR): The Fenced Federal Range parcels include the Schoer and Purebred fields along with public ground included inside fenced private fields at Dry Creek Ranch, Jakes Creek, Boies Reservoir, and the Hubbard and Vineyard ranch properties. The current rated capacity of 647 AUMs will be carried forward.

Authority for the actions contained in this proposed decision is found in 43 CFR 4100.0-8, 4110.2-2, 4110.3, 4120.2, 4120.3-1, 4130.2 (a), (b), (d), and (e), 4130.3, 4130.3-1, 4130.3-2, 4130.3-3, 4130.8-1(e), 4160.1, 4160.2, 4160.3, 4160.4, 4180.1, and 4180.2.

PROVISIONS FOR PROTEST, APPEAL AND PETITION FOR STAY

PROTEST

In accordance with 43 CFR 4160.2, any applicant, permittee, lessee or other interested public may protest the proposed decision under 4160.1 of this title, in person or in writing to the Bureau of Land Management, Bryan Fuell, Assistant Field Manager for Renewable Resources (authorized officer), 3900 E. Idaho Street, Elko, Nevada, 89801 within 15 days after receipt of this decision. The protest, if filed, must clearly and concisely state the reason(s) as to why the proposed decision is in error.

In accordance with 43 CFR 4160.3 (b), should a timely protest be filed with the authorized officer, the authorized officer, at the conclusion to his/her review of the protest shall serve his/her final decision on the protestant and the interested public.

In accordance with 43 CFR 4160.3 (a), in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice.

In accordance with 43 CFR 4160.3 (c) & (f), a period of 30 days following receipt of the Final Decision or 30 days after the date the Proposed Decision becomes final is provided for filing an appeal and petition for stay of the decision pending final determination on appeal.

APPEAL AND PETITION FOR STAY

In accordance with 43 CFR 4160.4, any person whose interest is adversely affected by a final decision of the authorized officer may appeal the decision for the purpose of a hearing before an administrative law judge and may also petition for a stay of the decision pending final determination on appeal. The appeal and petition for stay must be filed within 30 days following receipt of the final decision or 30 days after the date the proposed decision becomes final. Appeals and petitions for a stay of the decision shall be filed at the office of the authorized officer, see Protest above. Additionally the person appealing must serve a copy of their appeal and petition for stay on any person named in the decision including the name to which the decision is addressed, those listed at the end of this decision, and the Office of the Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, CA 95825-1890 within 15 days of filing the appeal and petition for stay. Appellant needs to be able to document service to any other person named in the decision and the Solicitor.

In accordance with 43 CFR 4.470, the appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision of the authorized officer is in error.

A petition for stay, if filed, must show sufficient justification based on the following standards (43 CFR 4.471(c)):

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and,
- (4) Whether the public interest favors granting the stay.

The appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

Any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Hearings Division a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and response, the person must serve copies on the appellant, the Office of the Solicitor and any other person named in the decision (43 CFR 4.472(b)).

Sincerely,

/s/

Bryan K. Fuell
Assistant Field Manager
Renewable Resources